

tc



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,604	08/01/2000	MASOOD GARAH	ODS-23	8445

1473 7590 02/19/2002

FISH & NEAVE
 1251 AVENUE OF THE AMERICAS
 50TH FLOOR
 NEW YORK, NY 10020-1105

EXAMINER


ENATSKY, AARON L

ART UNIT	PAPER NUMBER
----------	--------------

3713

DATE MAILED: 02/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/630,604	Applicant(s) GARAHI ET AL. 	
	Examiner Aaron L Enatsky	Art Unit 3713	

-- Th MAILING DATE of this communication app ars on th cover sheet with th correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,004,211 to Brenner et al. In regard to claims 1 and 44, Brenner et al. teaches of an interactive off-track wagering (2:35-36) that is run over a computer based system to racing fans in their homes (5:61-64). Wagering is accomplished through network communication from a user terminal to a totalisator (7:35-43), and is communicated wirelessly from the user to the user terminal through any suitable user interface (7:21-34). While Brenner et al. does not specifically teach that the wireless remote control device has a screen with on-screen options, but he does teach that any suitable wireless user interface device can be used in conjunction with television sets for display (7:21-34). It is well known in that art that audio/video remote controllers are wireless multifunctional devices with user interface screens producing user selectable menus. Examples of such are devices specifically made as all-in-one audio/video remotes, or personal digital assistants programmed with an extra function of control audio/video systems. With the remotes such as a personal digital assistant (PDA) it also would have been obvious to one skilled

Art Unit: 3713

in the art at the time to display informational/wager choices on the PDA to allow the race to be displayed on a separate display continuously.

In regards to claims 2-6 and 45-49, Brenner et al. teaches that the race is a horse race (6:3) where a user can select a horse for a wager, a racetrack, a race, a wager type, and a wager amount (2:45-51).

In regards to claims 7-8 and 50-51, Brenner et al. teaches that totalisator is a computer system capable of handling user transactions, user accounts, crediting accounts when the wager is successful, and standard computer network communications (7:35-54).

In regards to claims 9 and 52, Brenner et al. teaches that the in-home equipment includes conventional television sets (7:26).

In regards to claims 10 and 53, Brenner et al. teaches the transmission of racing data via cable, satellite, or other mediums (6:55-61) and wagers transmitted over a network to computer equipment (7:35-54) where both types of information are received and sent to a user terminal. Brenner et al. does not teach that the user terminal is a set-top box, however it is obvious to one skilled in the art that end user terminals for processing cable or satellite data for display on a television set can be set-top boxes.

In regards to claims 11-12 and 54-55, Brenner et al. teaches that the user terminal comprises personal computer equipment (7:55-67), and the computer equipment transmits the wager information to other computer equipment for processing (7:35-54).

In regards to claims 13-30 and 56-73, Brenner et al. teaches handicapping information and race results received by a user terminal (10:9-23). It was established earlier that wireless remote taught by Brenner et al. could comprise of a number of known remote control elements

Art Unit: 3713

well known in the art such as a PDA therefore it would have been obvious to display handicap information and race results on the wireless remote device sent from the user terminal. In regard to the various claimed wireless remote devices, the handheld computer, electronic book, and web tablet it is well known in that art that these devices are function equivalents and it would have been obvious to one skilled in the art to substitute these devices for one another. It was also established earlier that the user terminal is a computer device (7:21-34) situated in a user's home (5:59-67) that is capable of network communications (7:35-54). It is well known in the art that a computer can function both as a set-top box as well as functions of personal computer making the devices functional equivalents. It would have been obvious to one skilled in the art at the time the invention was made to use various equivalent wireless remote devices in communication with a computer device as a user terminal for the purpose of receiving and displaying handicap and race results information to a user where the personal computer communication combinations would be better suited to a more technical/computer savvy demographic while the set-top box combinations to a less technical demographic.

In regards to claims 31-43 and 74-86, Brenner et al. teaches that each user can place a wager (7:35-41) from in home equipment (5:35-64) where the wagering system comprises of a large array of user terminals (7:10-11). This would suggest that users are placing wagers that are independent of one another and establishing individuality to the wagering system through the use of a personal identification code (8:41-50). Brenner et al. does not teach the use of a plurality of wireless devices communicating with the user terminal. However, it has long been considered to be within ordinary skill in the art to duplicate elements and their corresponding functions, especially in network communication where multiplicity of like devices is the norm, therefore,

Art Unit: 3713

obvious to one skilled in the art at the time the invention was made to have a plurality of handheld devices place independent wagers with a user terminal. In regards to the choice of communication equipment, as established above, it would have been obvious to one skilled in the art to interchange functional equivalents of the handheld devices and the set-top or personal computer in their respective communication hierarchy.

3. Claims 87-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,004,211 to Brenner et al. in view of U.S. Patent No. 5,999,808 to LaDue. Brenner et al. teaches the above mentioned horse race wagering system, but does not disclose the use of a wireless application protocol for communication with a computer system. LaDue teaches the use of a wireless application protocol for use in wireless gaming and wagering (Abstract) for the purpose of operating seamlessly with existing wireless networks without need for further modification (2:26-29). LaDue also teaches the use of a handheld computer for communication with the wagering/gaming system with a built in screen capable of displaying users selectable menus (Fig 9). It would have been obvious to one skilled in the art at the time the invention was made to combine the wireless application protocol system for wagering by LaDue with the horse race wagering system as taught by Brenner et al. for the purpose of seamless operation with the existing wireless network infrastructure and so that wagering can take place anywhere legal including the race track or in a user's home.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,734,413 to Lappington et al.	U.S. Patent No. 5,871,398 to Schneier et al.
--	--

Art Unit: 3713

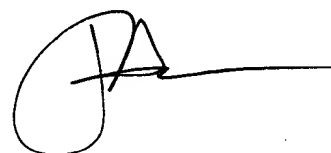
U.S. Patent No. 5,746,657 to Ueno	U.S. Patent No. 5,923,306 to Smith et al.
-----------------------------------	---

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9302 for regular communications and 703-746-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ale
February 4, 2002



JESSICA HARRISON
PRIMARY EXAMINER